IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

SA.No. 68 of 1999(G)

AGAINST THE JUDGMENT AND DECREE IN AS.2/1997 of PRINCIPAL SUB COURT,KOCHI .
OS.306/1995 of ADDL.MUNSIFF COURT,KOCHI DT.23.9.96.

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SECOND APPELLANTS: RESPONDENTS/ DEFENDANTS

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1. **JOSEPH AGED ABOUT 40 YEARS,**
   S/O. PETER, KALAPARAMBIL,
   KADEBHAGOM, PALLURUTHY,
   KOCHIN 682 006.

2. **XAVIER AGED ABOUT 32 YEARS, S/O.PETER,**
   KALAPARAMBIL, KADEBHAGOM, PALLURUTHY,
   KOCHI 682 006.

3. **JOHNSON AGED ABOUT 28 YEARS,**
   S/O. PETER, KALAPARAMBIL, KADEBHAGOM
   PALLURUTHY, KOCHI- 682 006.

BY ADV. SRI.S.SREEKUMAR

RESPONDENT/ APPELLANT/ PLAINTIFF

P.J. JACOB AGED 59 YEARS S/O. JOSEPH,
CARPENTER, PUTHENVELI, HOUSE NO.
C.C. 23/1588A, KADEBHAGOM,
RAMESWARAM VILLAGE, KOCHI TALUK.

BY ADV. SRI. P.GEORGE WILLIAM

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.191/1999 IN S.A. NO.68/1999

DISMISSED

19.06.2007 **SD/- M.SASIDHARAN NAMBIAR, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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M.SASIDHARAN NAMBIAR, J.

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I.A.NOS. 1003, 1004 & 291 OF 2007 AND
S.A.No. 68 OF 1999

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DATED THIS THE 19TH DAY OF JUNE, 2007

JUDGMENT

Learned counsel appearing for the appellant submitted that on the death of the sole respondent his son who is sought to be impleaded in I.A.1003 of 2007 is the only legal heir and after the filing of the appeal, the deceased respondent had assigned his rights in favour of his son the proposed respondent as per settlement deed 3593 of 2001 and from the said son of the respondent, appellant has purchased the property and in such circumstances, appellant does not seek any further relief in the appeal and after impleading the proposed respondent, appeal may be dismissed. In such circumstances the petitions are allowed. Additional second respondent is impleaded as legal heir of deceased respondent. The appeal is dismissed. Send back the records to the trial court immediately. Appellant is entitled to take back documents produced by him from the trial court.

M.SASIDHARAN NAMBIAR, JUDGE

lgk/-

M.SASIDHARAN NAMBIAR, J

I.A.NOS.1003, 1004 &

291 OF 2007 &

S.A.NO.68/1999

JUDGMENT

19th JUNE, 2007